

## **ZONING BOARD OF APPEALS**

Fiscal Year 2009

The Amherst Zoning Board of Appeals (ZBA) received forty-two (42) applications during Fiscal Year 2009, two (2) of which were Appeals of a Decision of the Building Commissioner.

The Zoning Board of Appeals met 48 times during FY 09.

The following chart identifies the number of applications submitted for the Fiscal Years from 2005 to 2009:

<b>Fiscal Year</b>	<b>Number of Applications</b>
2005	41
2006	52
2007	43
2008	37
2009	42

### **Appeals**

- The Board upheld the Building Commissioner's decision that a doctor's office is classified as a medical center under the Zoning Bylaw;
- The Board upheld the Building Commissioner's decision to issue four (4) building permits associated with an affordable housing project under a Comprehensive Permit (the decision was made during FY 10).

### **Residential**

- One (1) Special Permit was granted to create three flag lots, five single family dwellings, one supplemental apartment and a common driveway on East Pleasant Street;
- One (1) Special Permit was granted for the creation of a supplemental apartment on Potwine Lane;
- One (1) Special Permit was granted to allow the expansion of an existing supplemental apartment on Pine Street;
- One (1) Special Permit was granted to allow the renewal of a two-family dwelling on South East Street;
- One (1) Special Permit was granted to convert a barn into a new dwelling unit at Pine Street;
- One (1) Special Permit was granted to keep two (2) horses on a property on Shays Street;
- One (1) Special Permit was granted to keep eight (8) chickens on a property on Jenks Street;
- One (1) Special Permit was granted to establish a home occupation on Potwine Lane;
- One (1) application to keeping of a rooster on a property on State Street, was denied;
- One (1) application to create a five (5) unit Townhouse on North Pleasant Street was withdrawn without prejudice;
- Two (2) Special Permits were granted to allow the alteration of existing non-conforming dwellings on East Pleasant Street and Cranberry Lane;
- Two (2) Special Permits were granted for the conversion of single family dwellings to two-family dwellings on College Street and Eames Avenue.

## **Commercial**

- One (1) Special Permit was granted to allow the transfer of ownership of Delano's and to establish Stacker's Pub;
- One (1) Special Permit was granted to allow the transfer of ownership of the Moan and Dove;
- One (1) Special Permit was granted to allow Chez Albert's restaurant to be open seven days a week;
- One (1) Special Permit was granted to allow a cellular communication antenna on top of an existing building on Lessey Street;
- One (1) Special Permit was granted for a scoreboard at Stan Ziomek Diamond;
- Two (2) Special Permits were granted to establish a taxi/delivery service at Old Farm Road;
- Two (2) Special Permits were granted for the creation of Class II restaurants, Papa Gino's and Latino's;
- Three (3) Special Permits were granted to allow the expansion of existing restaurants, including the Amherst Brewing Company, La Veracruzana and Thai Corner;
- Three (3) Special Permits were granted for the installation of over-sized signs, including the Jewish Community of Amherst, Amherst Nurseries and W. D. Cows.

Jane Ashby resigned from the Zoning Board of Appeals and the Select Board appointed Tom Ehrgood and Mark Parent as new Associate Members to the Zoning Board of Appeals.

### Full Members

Tom Simpson, Chair  
Barbara Ford, Vice-chair  
Hilda Greenbaum, Clerk

### Associate Members

Al Woodhull  
Eric Beal  
Tom Ehrgood  
Mark Parent

During FY 09, efforts have continued in order to update and maintain the Zoning Board of Appeals website. Currently, agendas are posted online in advance of all meetings and decisions from 2005 to present are available. The following is a link to those documents:  
<http://www.amherstma.gov/index.aspx?nid=235>

Jeffrey Bagg, Senior Planner, provided staff support to the Zoning Board of Appeals during FY 09.